

1 01-0023-PHR

2 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

3 In the Matter of:

4 JEFFREY P. YANNELLO
5 Pharmacist License
6 Number 9192

NOTICE OF HEARING

NO. 01-0023-PHR

7 DIRECTED TO: JEFFREY P. YANNELLO
8 54 Firebush Road
9 Levittown, PA 19056

10 This Notice of Hearing is prepared pursuant to the requirements established by A.R.S. § 32-1928
11 and A.A.C. § R4-23-104.

12 **JURISDICTION**

13 **I**

14 For the reasons stated herein below, and pursuant to A.R.S. § 32-1928, the Board of Pharmacy
15 will conduct a hearing at 9:00 AM the 10th day of January, 2002 at the College of Pharmacy, Midwestern
16 University, 19555 N. 59th Avenue, Glendale, Arizona. The hearing will be conducted to determine whether
17 or not Pharmacist License No. 9192 should be revoked, suspended, or placed on probation, censured or
18 fined.

19 **PARTIES**

20 **II**

21 The Arizona State Board of Pharmacy is that body created and empowered pursuant to A.R.S.
22 § 32-1904 to administer the laws of the State of Arizona relating to the practice of pharmacy.

23 **III**

24 JEFFREY P. YANNELLO is the holder of Pharmacist License Number 9192 which allows him
25 to engage in the practice of pharmacy in the State of Arizona.

26

1 **FACTUAL ALLEGATIONS**

2 **IV**

3 1. On August 10, 2000, JEFFREY P. YANNELLO was charged with one felony count of illegal
4 distribution of prescription drug samples in violation of 21 U.S.C. §§ 333(b)(1)(B), 353(c)(1) and 331(t).

5 2. On August, 21, 2000, JEFFREY P. YANNELLO pleaded guilty to one felony count of violating
6 21 U.S.C. §§ 333(b)(1)(B), 353(c)(1) and 331(t), to wit:

7 obtaining prescription drug samples from an individual who stole them from a physician's office
8 and transporting them to the pharmacy he owned, First Choice Pharmacy, 5936 Lansdowne
9 Avenue, Philadelphia, PA, placing them into the inventory at his pharmacy and then selling them
to patients and customers of his pharmacy.

10 3. On November, 20, 2000, JEFFREY P. YANNELLO was sentenced to be incarcerated for a
11 period of not less than eight (8) months, of which four (4) months shall be served in home confinement,
12 two (2) years supervised release, special assessment of \$100.00; fine of \$10,000.00; restitution in the
13 amount of \$13,785.25; pay the cost of home confinement; and submit to a urinalysis within fifteen (15)
14 days of placement on supervised release with two (2) periodic tests thereafter.

15 4. On October 19, 2001, the Pennsylvania Board of Pharmacy suspended indefinitely, but no less
16 than three (3) years, license number RP-033196-L, which allowed JEFFREY P. YANNELLO to practice
17 pharmacy in the state of Pennsylvania.

18 **CAUSE OF ACTION**

19 **V**

20 A.R.S. § 32-1927(A) provides that the license of any pharmacist or pharmacy intern may be
21 revoked or suspended or a pharmacist or pharmacy intern may be placed on probation by the board when:

22 2. The licensee has been convicted of a felony.

23 11. The licensee is found by the board to have had his license to practice pharmacy denied,
24 suspended or revoked in another jurisdiction and the license was not reinstated.

25 Further, A.R.S. § 32-1927(B) provides that the license of any pharmacist or pharmacy intern may
26 be revoked or suspended or the pharmacist or pharmacy intern may be placed on probation or censured

1 and a civil penalty of not more than one thousand dollars (\$1000.00) for each offense may be imposed by
2 the board when:

- 3 2. The licensee is found by the board, or is convicted in a federal or state court, of having
4 violated federal or state laws or administrative rules pertaining to marijuana, prescription-
only drugs, narcotics, dangerous drugs or controlled substances.

5 JEFFREY P. YANNELLO is directed to mail to the Board no later than the 21st day of December,
6 2001, a written response to the charges described above, specifically his defenses, assertions, or comments
7 concerning such allegations.

8 JEFFREY P. YANNELLO is hereby notified that failure to file a timely response and denial of the
9 allegations made herein may result in the allegations being deemed admitted by him, pursuant to Board
10 administrative rule A.A.C. § R4-23-104(I).

11 JEFFREY P. YANNELLO is hereby notified that he may appear with or without the assistance
12 of an attorney, on the date and at the time specified and present testimony and argument in support of his
13 defense with respect to the assertions contained in this Notice of Hearing. If the respondent fails to
14 appear, the Board may proceed and determine the Matter in his absence.

15 JEFFREY P. YANNELLO is further notified that no continuance will be granted unless a request
16 for continuance is submitted to the Board in writing, detailing the reasons for the requested continuance,
17 and that request is granted by the Board. Except in the event of an emergency, a request for continuance
18 shall be submitted to the Board no later than seven (7) days prior to the date of hearing.

19
20 **DATED this 30th day of November, 2001**

21
22 **ARIZONA STATE BOARD OF PHARMACY**

23
24 **SEAL**

25 By 
26 **Llyn A. Lloyd**
Executive Director

1 Copies of the Foregoing Notice of Hearing
2 mailed via Certified U.S. Mail this 30th day
of November, 2001 to:

3 JEFFREY P. YANNELLO
4 54 Firebush Road
Levittown, PA 19056

5 And by courier mail to:

6 Victoria Martin
7 Assistant Attorney General
Civil Division
8 Attorney General's Office
1275 W. Washington
Phoenix, AZ 85007
9 Attorney for the State

10 and

11 Victoria Mangiapane
12 Assistant Attorney General
Civil Appeals Section
13 Solicitor Generals Office
1275 W. Washington
Phoenix, AZ 85007
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1. Article Addressed to:

Jeffrey Yannello
54 Firebush Rd.
Levittown, PA 19056

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Jeffrey P. Yannello

Street, Apt. No., or PO Box No.

54 Firebush Rd.

City, State, ZIP+4
Levittown, PA 19056

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